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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,925	12/14/2000	Carl Dionne	1561-63	5812
23117 7590 02/26/2009 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
HUSSAIN, FARRUKH				
ART UNIT		PAPER NUMBER		
2444				
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02/26/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/735,925

**Applicant(s)**

DIONNE ET AL.

**Examiner**

FARRUKH HUSSAIN

**Art Unit**

2444

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 23-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This action is in regards to the response received on 11/24/2008.

Examiner Joseph Maniwang is no longer assigned to the present patent application. This application is now assigned to Examiner Farrukh Hussain. In examining this patent application, full faith and credit has been given to the search and action of the previous examiner. MPEP § 719.05.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 23-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Hacherl (U.S. Pat. No. 6,324,571).**
2. Regarding claims 23, 29, 35, 36, and 37, Hacherl disclosed a method and system for sharing data over a network having a plurality of network-connected terminals, comprising a first data object that contains dynamic elements and (see column 6, lines 36-38 attributes (elements)) data (column 3, lines 40-43; column 6, lines 27-41) said first data object being (see claim 1, first data object) ~~and that~~

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is duplicated to each of said other network-connected terminals, and a plurality of second data objects, each of which contains dynamic elements and data, and (see column 6, lines 36-38 attributes (elements)) each of which second data objects (see claim 1, second data object) is a duplicate of a data object on another terminal, such that there exists within the network a plurality of sets of duplicated data objects (column 3, lines 16-18; column 7, lines 58-62; column 8, lines 42-44); displaying a plurality of entities on said visual display, wherein each of said entities is defined by the data in one of said first and second data objects (column 8, lines 30-41); and periodically providing over said network an update of the data contained in said first data object (column 3, lines 18-19; column 5, lines 25-29; column 7, lines 38-57; column 8, lines 45-52), updating the data contained in said second objects in response to receiving updates over said network (column 7, lines 58-62), wherein for each of said updates a portion of the data in one of said second objects is replaced with data contained in the update without changing the dynamic elements in said second object(see column 7, lines 54-62 it will not continuously fetch the same changes and see column 7, lines 30-33 The second domain controller returns the replication data); and for each set of duplicated data objects; storing information as to which of said data objects is a master data object that is responsible for maintaining consistency between the data in the data objects in said set, wherein any of said duplicated data objects in the set may be a master data object (column 3, lines 6-13; column 8, lines 12-13), and when the terminal that maintains said master data object becomes unavailable, determining which of said data objects in the set should be master

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data object and establishing said data object as master data object (column 8, lines 21-29; column 9, lines 58-65).

3. Regarding claims 24, 30, and 38, Hacherl disclosed the method and system wherein said instructions to maintain data consistency between duplicated objects monitor CPU usage and network bandwidth utilization (column 11, lines 34-65; column 13, lines 20-30).
4. Regarding claims 25, 31, and 39, Hacherl disclosed the method and system wherein a terminal becomes unavailable when its CPU usage exceeds a threshold (column 11, lines 34-65; column 13, lines 20-30).
5. Regarding claims 26, 32, and 40, Hacherl disclosed the method and system wherein a terminal becomes unavailable when its bandwidth utilization exceeds a threshold (column 11, lines 34-65; column 13, lines 20-30).
6. Regarding claims 27, 33, and 41, Hacherl disclosed the method and system wherein a terminal becomes unavailable when it is switched off (column 11, lines 34-65; column 13, lines 20-30).
7. Regarding claims 28, 34, and 42, Hacherl disclosed the method and system wherein a terminal becomes unavailable when its connection to the network is lost (column 11, lines 34-65; column 13, lines 20-30).

### ***Response to Arguments***

8. Applicant's arguments filed 11/24/2008 have been fully considered but they are not persuasive.

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A. Applicant argues that Hacherl certainly does not provide any way to guarantee that each domain controller holds a plurality of data objects, each of which is a duplicate of an object on another domain controller. In response to A, the examiner respectfully disagrees. As can be readily seen that Hacherl does in fact teach or suggest as shown, it includes a plurality of servers 72a, 72b and 72c, which are configured as domain controllers and include a corresponding replica 74a, 74b and 74c, respectively, of a directory maintained by the domain (see column 5, lines 15-19).

B. Applicant argues that Hacherl does not teach or suggest that any portion of the active directory architecture being maintained by Hacherl will actually be displayed on a visual display to a user. In response to B, the examiner respectfully disagrees. As can be readily seen that Hacherl does in fact teach or suggest a monitor 47 or other type of display device is also connected to the system bus 23 via an interface, such as a video adapter 48 (see column 5, lines 41-45).

C. Applicant argues that Hacherl does not teach or suggest establishing one of a set of duplicating data objects as a master data object. In response to C, the examiner respectfully disagrees. Hacherl does in fact teach or suggest a new server needs to be promoted to master and the remaining servers on the network re-configured, typically by manual means, to communicate with the new master (see column 1, lines 51-56).

D. Applicant argues that Claim 23 also requires that when the terminal that happens to maintain the designated master data object becomes unavailable, the

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claimed apparatus determine which of the data objects in the set should next become a master data object and then establishes that as the master data object. In response to D, the examiner respectfully state that Hacherl does in fact teach or suggest when the master server's absence from the network is scheduled, as in the case of system maintenance, a new server needs to be promoted to master and the remaining servers on the network re-configured, typically by manual means, to communicate with the new master (see column 1, lines 42-56).

E. Applicant argues that Dependent claim 24 requires instructions to maintain data consistency between duplicated objects - in the context, of course, of parent claim 23. In response to E, the examiner respectfully state that Hacherl teaches or suggests These issues include usability, data consistency, development cost, and support cost, among others (see column 6, lines 16-19).

F. Applicant argues that Independent claim 29 requires a method wherein one of the data objects is established as a master data object which maintains consistency between the data in the data objects - and when the terminal maintaining that master data object becomes unavailable, determining which of the data objects in the set should become master data object and then establishing that as the master data object for further operations. In response to F, the examiner respectfully state that Hacherl teaches or suggests These issues include usability, data consistency, development cost, and support cost, among others (see column 6, lines 16-19). Also when the master server's absence from the network is scheduled, as in the case of system maintenance, a new server

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needs to be promoted to master and the remaining servers on the network re-configured, typically by manual means, to communicate with the new master (see column 1, lines 42-56).

G. Applicant argues that Independent claim 35 also requires a terminal in the network to maintain, inter alia, stored information as to which data object is a master data object and responsible for maintaining consistency - in an environment wherein any of the duplicated data objects in the set may be a master data object. Claim 35 also requires when the terminal that maintains the master data object becomes unavailable, then one of the objects in the set is determined to thereafter become the master data object and is established as such. In response to G, the examiner respectfully state that Hacherl teaches or suggests These issues include usability, data consistency, development cost, and support cost, among others (see column 6, lines 16-19). Also when the master server's absence from the network is scheduled, as in the case of system maintenance, a new server needs to be promoted to master and the remaining servers on the network re-configured, typically by manual means, to communicate with the new master (see column 1, lines 42-56).

H. Applicant argues that Independent claim 36 requires, inter alia, that updates of data in the data object be periodically provided over the network, that information be stored as to which of the data objects in a set is a master data object responsible for maintaining consistency, wherein any of the duplicated objects in the set may become a master data object. Claim 36 also requires that when the terminal that happens to maintain the master data object becomes



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unavailable, then another data object will be determined as the master data object and established as such thereafter. In response to H, the examiner respectfully state that Hacherl teaches or suggests These issues include usability, data consistency, development cost, and support cost, among others (see column 6, lines 16-19). Also when the master server's absence from the network is scheduled, as in the case of system maintenance, a new server needs to be promoted to master and the remaining servers on the network re-configured, typically by manual means, to communicate with the new master (see column 1, lines 42-56).

I. Applicant argues that Hacherl also does not teach or suggest a system wherein a master data object is responsible for maintaining consistency and there are provisions for redesignating a new data object as the "master" should the currently designated master become unavailable. In response to I, the examiner respectfully disagrees. As can be readily seen that Hacherl does in fact teach or suggest These issues include usability, data consistency, development cost, and support cost, among others (see column 6, lines 16-19). Also For example, if domain controller 110a has been designated to perform a network-wide task, domain controller 110c can be designated the master server by changing the role owner attribute on each of domain controller 110a, 110b, 110c, and 110d (see column 8, lines 21-29).

Claims 25-28, 30-34 and 37-42 depend on claims 23, 29 and 36 thus rejected for reasons similar to those in rejecting claims 23, 29 and 36.

Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly, define the claimed invention.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory

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period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARRUKH HUSSAIN whose telephone number is (571)270-5652. The examiner can normally be reached on Monday-Thursday, Alt. Friday, 7:30 A.M-5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/FH/

Examiner, Art Unit 2444

02/18/2009

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444